<u>REMARKS</u>

The title has been changed such that it is more descriptive of the claimed invention.

The Examiner has rejected claims 1-22 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,519,700 to Ram et al.

The Ram et al. patent discloses self-protecting documents in which pre-processed (618) content (612) and pre-processed (620) rights specification (614) are combined (622), along with optional watermark (616) to form a generic self-protecting document (SPD) (610), to which permissions (626) are added, and optionally, encrypted (628) to form a customized SPD (632) (see Fig. 6).

The subject invention concerns the addition of data to content material to form a composite data file and the post-processing (e.g., watermarking) of the composite data file. Applicant has found that if the data to be added to the content material is not in the proper format, i.e., does not have the same general characteristics of the content material, then the watermarking process may adversely affect the added data or the content material, or both. As such, as claimed in claims 1 and 12, the invention includes "a preprocessor that is configured to encode the data to form encoded data that conforms to the defined characteristics of the encoded content material" and "a combiner that is configured to combine the encoded content material and the

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encoded data to form a combined encoded output that conforms to the defined characteristics of the encoded content material".

It has been well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). In addition, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant submits that Ram et al. neither discloses or suggests the preprocessor as claimed in claim 1, or the preprocessing step as claimed in claim 12.

The Examiner equates the claimed encoded data to the "encrypted rights and permission segment" of Ram et al. and then cites various sections of Ram et al. (to wit, col. 7, lines 45-60; col. 8, lines 23-27; and col. 11, lines 39-46) as disclosing the elements of claims 1 and 12.

Applicant submits that the Examiner is mistaken. In particular, Ram et al., at col. 7, lines 45-60, merely describes the various segments which make up the self-protecting document. At col. 8, lines 23-27, Ram et al. states that the rights and permissions segment is cryptographically signed and optionally encrypted. At col. 11, lines 39-46, Ram et al. states:

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"The generic SPD 610 is then created (step 622) by combining the pre-processed content 612, the preprocessed rights specification 614, and the watermark 616. A watermark may be added by any means known in the art; it may be either visible or concealed within the SPD. The generic SPD 610 may also optionally be encrypted by the author/publisher 110 for transmission to the distributor 114 (FIG. 1)."

It should be clear from the above that while Ram et al. mentions the preprocessing of the rights specification, there is no description of this preprocessing, nor whether it is being done to conform the rights specification to the defined characteristics of the content material.

Ram et al., at col. 9, lines 35-48 describes the preprocessing of the content 612 to a format specially adapted to be read by the rendering engine 532 of Fig. 5. The rendering engine 532 is described at col. 9, lines 16-23, and "is adapted to receive polarized document contents and produce polarized presentation data therefrom". Ram et al., at col. 11, lines 34-38, describes the preprocessing of the rights specification "in which the high-level (i.e., human-readable) specification is compiled into a more efficient data structure representation for use by the invention."

Applicant submits that it should be clear from the above that Ram et al. is not concerned with any effect that post-processing may have on the dissimilarities between the data and the content. In particular, Ram et al. does not disclose or suggest that the added data should be preprocessed "to form encoded data

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that conforms to the defined characteristics of the encoded content material", as specifically claimed in claims 1 and 12.

In claim 5 (and claim 16), the subject invention claims that the data (to be added to the content material) "comprises an analog noise signal" and that the preprocessor "is configured to receive the analog noise signal and to produce therefrom the encoded data as a digital encoding", and in claim 6 (and claim 17), the analog noise signal is defined to be at least one of "an audio noise and a video noise".

The Examiner appears to equate the analog noise signal to "audio and video clips" and "any other known manner on a variety of media", and indicates that the limitations of claim 5 (and 16) are disclosed in Ram et al. at col. 1, lines 31-38.

Again, Applicant submits that the Examiner is mistaken. In particular, this portion of Ram et al. is generally describing a document and the nature of the content of the document. In particular, this would be equivalent to the content material to be distributed. Further, in Ram et al. there is no mention of the term "noise" which, as claimed in claims 5 and 6 (and 16 and 17), is the data to be added to the content material.

In the invention as claimed in claim 7 (and claim 18), the data (to be added to the content material) is digital data, and the preprocessor includes "a modulator that converts the digital signal

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to an analog signal, and an encoder that processes the analog

signal to form the encoded data as a digital encoding".

The Examiner labels the modulator as "pre-renderer" and

states that the limitations of claim 7 (and claim 18) are found in

Ram et al. at col. 9, lines 35-36, 38-40, 44-48; and col. 11, lines

34-38.

Again, Applicant submits that the Examiner is mistaken. In

particular, the sections of Ram et al. at col. 9, relate to the

preprocessing of the content material, not the added data. Further,

the section of Ram et al. at col. 11, merely states that the rights

specification is "compiled into a more efficient data structure..."

Applicant submits that there is no disclosure or

suggestion in Ram et al. that the added data preprocessor includes

a modulator and encoder as claimed in claim 7 (and claim 18).

In view of the above, Applicant believes that the subject

invention, as claimed, is neither anticipated nor rendered obvious

by the prior art, and as such, is patentable thereover.

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Applicant believes that this application, containing claims 1-22, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by

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